

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:14-CV-954**

STUDENTS FOR FAIR ADMISSIONS, )  
INC., )  
                                  )  
Plaintiffs, )  
                                  )   **JOINT PROPOSAL ON THE  
v.                              )   COURSE OF CONTINUED  
                                  )   PROCEEDINGS**  
THE UNIVERSITY OF NORTH )  
CAROLINA AT CHAPEL HILL, et al., )  
                                  )  
Defendants. )  
                                  )  
                                  )

Plaintiff Students for Fair Admissions, Inc. and Defendants The University of North Carolina at Chapel Hill, et al., respectfully submit this joint proposal in response to the Court's Order of October 1, 2015 directing the parties to "meet and confer and notify the Court in writing of their respective positions on the course of continued proceedings within 14 days following issuance of a decision by the Supreme Court in *Fisher II*."  
(Dkt. 65)

**I.     Preliminary Statement**

On May 4, 2015, the parties submitted their respective Rule 26(f) reports. (Dkt. 32, 33) The Court adopted the Defendants' individual Rule 26(f) report with a minor modification, assigning the case to the Exceptional Case Management Track under Local Rule 26.1(a)(3). (Dkt. 34) Subsequently, on June 29, 2015, the Supreme Court granted certiorari in *Fisher v. Univ. of Texas at Austin*, No. 14-98 ("Fisher II").

On October 1, 2015, the Court entered an order partially staying the proceedings pending a decision by the Supreme Court in *Fisher II*. (Dkt. 65) The Court directed the parties to meet and confer and notify the Court in writing of their respective positions on the course of continued proceedings within 14 days of the Supreme Court's decision in *Fisher II*. (*Id.*)

On June 23, 2016, the Supreme Court decided *Fisher II. Fisher v. University of Tex. at Austin*, 579 U.S. \_\_\_\_ (2016) (slip op.). On July 6, Counsel for Defendants and Plaintiff participated in a conference call to meet and confer on the course of future proceedings, including a case schedule that would reflect the complexities of the litigation, scope and burdens of anticipated discovery, and time frames that would reflect reasonable and appropriate accommodation of interests particular to each party. The meet and confer discussion concluded with the Parties agreeing to a proposed discovery plan to present to the Court.

## **II. Proposed Discovery Plan**

The Parties propose the following discovery plan:

1. The date proposed for completion of all discovery (fact and expert) is December 1, 2017. This period of time would allow approximately 12 months for fact discovery and 5 months for expert discovery.
2. The proposed date for completion of fact discovery is June 30, 2017.
3. The proposed date for completion of expert discovery is December 1, 2017. Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) would be due during the proposed discovery period as follows:
  - (a) Affirmative expert reports by September 1, 2017

- (b) Rebuttal expert reports by October 2, 2017
  - (c) Reply Expert Reports by November 1, 2017
  - (d) All trial experts would be deposed during the 30 day period following the reply expert disclosures.
4. The proposed deadline for filing any motions for summary judgment is within 60 days of the close of all discovery. Motions in opposition to summary judgment would be due 30 days after motions for summary judgment, and reply motions would be due 14 days after motions in opposition to summary judgment.

**Respectfully submitted this 7th day of July, 2016.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2016, I filed a true and correct copy of the foregoing JOINT PROPOSAL ON THE COURSE OF CONTINUED PROCEEDINGS with the Clerk of Court using the CM/ECF system.

This 7th day of July, 2016.

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